

**REMARKS:**

Applicant submits that this Remark Section after Final Rejection places this application in condition for allowance by highlighting the misconstrued elements of newly cited reference JP357174533A (Matsumoto) in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. These Remarks are necessary because they undoubtedly conclude that Matsumoto was misconstrued and does not anticipate or make obvious the present application. Accordingly, consideration of the present remarks, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

**Proper antecedent basis for the claimed subject:**

In accordance to 37 CFR 1.75(d)(1), applicant has amended the specification to support claims 6, 7, 9, and 10.

**Claim Rejections under 35 USC §102: Rejection of claim 1, 4, 13 under Matsumoto.**

Applicant request reconsideration of this rejection for the following reasons:

1. Poor reference: The prior art reference Matsumoto, is vague, foreign, and conflicting, and therefore should be construed narrowly.
2. Misunderstood reference: Matsumoto does not teach what the examiner relies upon it to teach.

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3. Novel element: The use of the reciprocating rod to provide additional stability of the impact head is not anticipated by Matsumoto.

#### Poor reference

5 Matsumoto is a Japanese patent relating to an apparatus that is used as a Pile Driver. This foreign patent is vague as to its description, and does not describe, suggest, or teach of its application for use as a personal massage therapy device. The translated abstract does not even mention element 13 of its drawings that is said to anticipate one of the key element of the present application. The drawings by themselves do not show a  
10 similar device as claimed in the present invention.

#### Misunderstood reference:

With all due respect, applicant believes examiner has misconstrued several key elements of figure 1 on the Matsumoto patent. Examiner has misconstrued element 6 as  
15 the impact head when it is element 10 that is really the impact head. Element 6 does not move at all during the lifting of the actual impact head 10. Furthermore, element 9 is simply a buffer material that is used to dampen the sound of the impact, thus providing a noiseless pile driver and has no connection with the impact head 10.

Most importantly, examiner **misconstrued element 13** of the Matsumoto patent  
20 to anticipate the reciprocal rode element, and the annular slot element of the present application. This is surely mistaken because element 13 in Matsumoto is simply a solid rode inserted **all the way** through one point of the impact head 10 to help guide a vertical

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downward motion of the pile driver impact head 10. Element 13 **does not** move at all during the upward or downward motion of the impact head 10. Impact head 10 slides up and down element 13, therefore element 13 plays no part in the attachment of the impact head.

5        Furthermore, in the present invention, the reciprocal rode as claimed as inserted into an **annular slot concentrically disposed** and parallel to the impact head central bore extending into the impact head from the attachment end of the impact head. In Matsumoto there is no annular slot at all in impact head 10, if element 13 is annular as examiner claims, it would made the whole apparatus inoperable because it would cut the  
10    impact head 10 into three different pieces.

#### **Omission of elements:**

Matsumoto teaches of a much more complicated device than that of the present invention and has nothing to do with a massage device. One of the novel elements of the  
15    present application is the ability to remove and change massage impact heads with ease. In Matsumoto (see Fig. 1 on pg 185) the invention does not promote the removal of its impact head 10. If one was to attempt to remove and change the impact head 10, it would require taking apart the whole apparatus. The present invention unlike Matsumoto requires little effort to remove the impact head and the central insert. Therefore both  
20    elements can be replaced or exchanged with ease. The impact head of the present invention is not threaded or require any additional attachment device and can be pulled off the reciprocal rod or the central insert with ease. The central insert in the present

invention unlike that of Matsumoto, can be attached with no tools and can be done within seconds. In Matsumoto, the impact head is likely to be very heavy and must be attached to a rope element 13 which provides no horizontal support to the impact head 10.

5 **Novel elements:**

Reading the Claims and Specification of the present application, the novel elements are numerous in comparison to Matsumoto. The present application is part of a percussive device used on human tissue whereas Matsumoto is used to drive down pilings for construction purposes. The present application has annular slots that provide  
10 horizontal support and means of attachment where as Matsumoto has no such element and would never require horizontal support because its impact head 10 only goes up and down because of its reliance on gravity for its momentum.

**Claim Rejections under 35 USC §103: Rejection of claim 6-10 under Mastsumoto**

15 Once again as described supra, the teachings of Matsumoto have little similarities to the present invention. The field of inventions is not related. The purpose of the invention is not related and most importantly the key elements were misconstrued in Matsumoto and are not applicable to the present invention.

The present invention applies predominantly to chiropractic therapy procedures  
20 performed by chiropractors onto a third person. Whereas Matsumoto is a large mechanical device used to drive down piling for construction. The uses of the two devices are distinctly different. The present invention requires the quick and easy

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replacement of the impact head so that a chiropractor can perform his task efficiently.

The present device requires more horizontal stability because the contact end of the impact head needs to be applied in a multitude of angles, thus requiring more lateral stability.

5       A person skilled in the art will more than likely agree that Matsumoto's Pile Driver does not solve the same problems nor does it suggest or teach of the present invention and should not be used as prior art for any USC §103 arguments.

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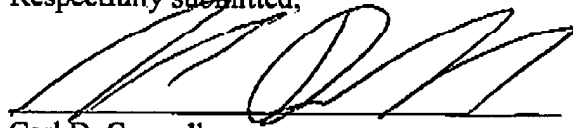
**CONCLUSION:**

For all the above reasons, applicants submit that the specification and claims are now in proper form and that the claims all define patentable over the prior art. Therefore applicant submits that this application is now in condition for allowance, which action  
5 applicant respectfully solicits.

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Respectfully submitted,



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